

EXHIBIT 11

Lennon, Brian

From: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>
Sent: Wednesday, January 20, 2021 6:09 PM
To: Lennon, Brian
Cc: kworthy@waynecounty.com; Kettler, Molly (AG-Contractor);
judith@thegraceylawfirm.com; Ash Jr., Charles; Lane, Madelaine; Osikowicz, Bryant (AG)
Subject: RE: People v. Snyder, Case No. 21-00046-SM

Mr. Lennon:

I have talked to the attorneys regarding your letter. We dispute your characterization of the conversation in the breakout room. Nonetheless, we are not going to address your mischaracterization of events in this correspondence.

To your question, no, we did not use a taint team. Though you had indicated that you already had the answer upon good authority, our answer was apparently a condition precedent to you filing numerous motions surrounding that issue. Any further discussions or debate about this subject, or any other substantive legal issues, will occur in court in response to your anticipated motions.

As we have already said, we will try this case in court and not anywhere else. This attempted back and forth is not productive. Bryant was very complimentary of Madelaine, Scott, and Adam of your eDiscovery team, and we look forward to continuing to litigate this case in zealous and professional manner.

One final matter, Bryant was again not cc'd on your last correspondence from your assistant. For future reference, his email address is osikowiczb@michigan.gov.

Fadwa Hammoud
Solicitor General

From: Lennon, Brian <blennon@wnj.com>
Sent: Wednesday, January 20, 2021 2:08 PM
To: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>
Cc: Michigan Attorney General <miag@michigan.gov>; kworthy@waynecounty.com; Kettler, Molly (AG-Contractor) <KettlerM@michigan.gov>; judith@thegraceylawfirm.com; Ash Jr., Charles <cash@wnj.com>; Lane, Madelaine <MLane@wnj.com>
Subject: RE: People v. Snyder, Case No. 21-00046-SM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

SG Hammoud – Please disregard the earlier version of this letter and accept the attached as its replacement. I apologize for any inconvenience.

Kind regards,
Brian



Brian P. Lennon | Partner

Warner Norcross + Judd LLP

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From: Rule, Andrea <arule@wnj.com>

Sent: Wednesday, January 20, 2021 1:37 PM

To: HammoudF1@michigan.gov

Cc: miag@michigan.gov; kworthy@waynecounty.com; kettlerm@michigan.gov; judith@thegraceylawfirm.com; Ash Jr., Charles <cash@wnj.com>; Lane, Madelaine <MLane@wnj.com>; Lennon, Brian <blennon@wnj.com>

Subject: People v. Snyder, Case No. 21-00046-SM

Good afternoon. Attached is correspondence from Brian Lennon of our office. Please contact me if you have any difficulties with the PDF attachment.

Thank you.

Andrea Rule



Andrea L. Rule | Legal Assistant to Matthew T. Nelson, Brian P. Lennon, and Conor B. Dugan

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Warner Norcross + Judd LLP

January 20, 2021

Via Email: (HammoudF1@michigan.gov)

Fadwa Hammoud, Solicitor General
Office of the Michigan Attorney General
525 West Ottawa Street
Lansing, Michigan 48933

Re: *People v. Snyder*, Case No. 21-00046-SM

Dear Solicitor General Hammoud:

I write as a follow up to my January 18, 2021 letter to you. I had hoped to receive a response from you, or someone from your office, by now. On Monday, I posed a simple “yes or no” question – did the prosecution use a taint team? I asked this question in open court yesterday and in the breakout session/conference with AAG Kettler and AAG Osikowicz. They told me that your office is “not prepared” to answer the question. Then, yesterday afternoon in response Judge Crawford’s request that we meet-and-confer regarding discovery, my office again posed the question to AAG Osikowicz. He could not answer. I now ask for the fifth time: did the prosecution use a taint team?

The response that your office is “not prepared” is astonishing. Frankly, the fact that neither you nor AAG Kettler or AAG Osikowicz could not immediately respond, “of course we did,” is stunning. Our client has been indicted in Genesee County on bogus and politically motivated misdemeanor charges for allegedly neglecting his duty in office – an office he proudly and diligently held for eight years, in service to the people of the State of Michigan, while located in the City of Lansing. Others have been indicted with nine counts of involuntary manslaughter and other charges, some on perjury counts for allegedly giving false sworn testimony in Wayne County. Yet, your office is “not prepared” to answer basic questions about venue and the use of a taint or “filter” team that goes to the very heart of the integrity of your investigation.

During the breakout session AAGs Kettler and Osikowicz also indicated that your office could not evaluate and respond to our position that venue in the City in Flint is improper until after all the grand jury transcripts are transcribed and released. That is not true. Your prosecutors presented all the evidence before the single judge grand juror. They (and you) know that you have no evidence indicating that former Governor Snyder committed a crime by allegedly failing to act while in the City of Flint. Surely in the 21 million documents you have, excluding the grand jury transcripts and exhibits, you can answer the venue challenge as well. As I stated in open court, we intentionally held off on filing our Motion to Dismiss/Quash the Indictment in order to give your office a reasonable amount of time to recognize your error and do the ethically required task of dismissing the Indictment.

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At your press conference last Thursday, Prosecutor Worthy stated that your team only charged the nine defendants with crimes that your team could prove beyond a reasonable doubt. We agree that is the ethical standard that prosecutors must follow. Venue, while not an element of the offense, must be proven at trial beyond a reasonable doubt. Bringing charges against our client in the City of Flint that you cannot fully prove beyond a reasonable doubt is unprofessional and unethical.

Please respond by close of business, Friday, January 22, 2021, by answering our simple yes or no question regarding your use of a tainted team, and by informing us of your decision regarding whether you will move to nolle the Indictment.

Very truly yours,



Brian P. Lennon

BPL/alr

c: Hon. Dana Nessel, Attorney General (miag@michigan.gov)
Hon. Kym Worthy, Wayne County Prosecutor (kworthy@waynecounty.com)
AAG Molly Kettler (kettlerm@michigan.gov)
AAG Bryant Patrick Osikowicz (OsikowiczB@michigan.gov)
Charles Ash, Partner, WNJ (cash@wnj.com)
Madelaine C. Lane, Partner, WNJ (mlane@wnj.com)
Judith S. Gracey, Co-counsel (judith@thegracelawfirm.com)

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